

9. **Rezoning:** C14-05-0201 - 2100 Parker Lane
Location: 2100 Parker Lane, Harper's Branch Creek Watershed, Parker Lane NPA
Owner/Applicant: FS Ventures (Jim Cummins)
Agent: Urban Design (Laura Toups)
Request: FROM SF-3 TO SF-6
Staff Rec.: RECOMMENDED
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

1ST MOTION FAILED - TO APPROVE SF-6-CO DISTRICT ZONING; LIMITED TO A MAXIMUM OF 20 UNITS AND A MAXIMUM OF 12 STRUCTURES. [M.MOORE, C.GALINDO 2ND] (4-4) K.JACKSON, D.SULLIVAN, J.M.CORTEZ, C.RILEY - NAY; J.REDDY - ABSENT

2ND MOTION FAILED - TO POSTPONE TO 03/28/06. [D.SULLIVAN, J.M.CORTEZ 2ND] (4-4) M.DEALEY, C.GALINDO, M.MOORE, G.STEGEMAN - NAY; J.REDDY - ABSENT

ITEM FORWARDED TO CITY COUNCIL WITH NO RECOMMENDATION BY THE PLANNING COMMISSION.

SUMMARY

Robert Heil, staff, gave presentation. We did receive yesterday a petition against the rezoning with a number of signatures on it, but we have not had a chance to determine whether the petition is valid or not.

Laura Toups, representing the applicant, gave her presentation to the commission. The applicant owns two adjacent single-family lots, as well as one lot that contains an existing pond, those are part of the overall development; the zoning is the 2.1 acres. We are in total agreement with the staff as to the compatibility of this zoning with the adjacent uses. We did meet with the neighborhood association, we had an opportunity to talk to a larger group of neighbors and we presented to them our concept plan. Remember that this is a zoning case; the applicant has gone to a great expense to look at how we can develop a plan which preserves the existing trees. The developer brought the City Arborist out to the site to look at the trees to see how we could best preserve them. One of the issues for the neighborhood was driveways; we have one driveway onto Wind Oak and one driveway onto Parker. This project will go through the site plan; it has to provide for detention, it has to provide for water quality, it has to meet all the requirements in their site plan. Another concern was that they wanted us to agree to no variances, we cannot do that; we don't anticipate any variances at this point, but those are two items that we're not prepared to agree to. We ask you to support staff recommendation.

Commissioner Riley - Will those access points be gated?

Ms. Toups - I believe so; the idea right now is to be a gated community. At this point, it's a concept plan, but we believe it will be gated.

FAVOR

Facilitator: Sylvia Limon
 City Attorney: Ross Crow, 974-2159

No Speakers.

OPPOSITION

Toni House, Vice-President of South River City Citizens Neighborhood Association – Spoke in opposition.

Commissioner Galindo – I'm having a hard time understanding the position of the neighborhood to deny the request, which would result in more risk to the trees and would result in more impervious cover.

Ms. House – SF-3 might not, it would depend on how it was developed; we requested a restrictive covenant.

Commissioner Galindo – What other reason do you have to believe that the developer would not develop to the desired development?

Ms. House – He can sell two lots and put one home on it.

Commissioner Galindo – Why would he do that?

Ms. House – To make more money; I don't know why. I think you can get a nicer development if you put few homes on those tracts.

More disagreeing continued between Commissioner Galindo & Ms. House.

Commissioner Galindo – If we knew that the developer was going to build to the density that's been proposed; and we knew that the only choice was for him to do it under SF-3 or SF-6; and we know what the consequences are for the trees and the additional driveways and disruption of the roadway; would the neighborhood still insist on forcing the developer to develop under SF-3, rather than SF-6?

Ms. House – There was a conditional overlay that limited the number of homes that we would do under SF-6. If he gets his SF-6 zoning he could put more than a number of units that he's proposing right now.

Commissioner Galindo – Would that be the preference of the neighborhood?

Ms. House – To have a conditional overlay to limit the density? Yes.

Commissioner Galindo – With more units than what he is proposing?

Mr. House – No; under SF-6 the neighborhood would accept what they are asking for, the density of the project to be limited to the ten structures that's shown on the conceptual site plan; no more than two dwellings per structure; and that the structures be sided to prevent and mitigate any damage to the protected trees. It would be acceptable if they would do away with the driveway

onto Wind Oak for cars, we do not want that traffic going into a residential area that is served by small, narrow, winding, hilly streets that have limited side lines.

Commissioner Riley – I was puzzled about you not wanting access onto Wind Oak; it seems like if you don't get SF-6, you're guaranteeing a lot more access to Wind Oak than you'd get with SF-6. The plan that we saw showed all these different driveways going straight onto Wind Oak. Isn't that opposition from what you're trying to get?

Ms. House – That's a question for those who live on Wind Oak to answer. Yes, if the developer does develop it and puts everybody's driveway onto Wind Oak, yes, there would be more traffic, with how the trees are, I'm not sure if it's even possible to do that.

Commissioner Stegeman – You said that this property is identified as a landmark; what does that mean?

Ms. House – It's a neighborhood landmark.

Mary Jo Osgood – Spoke in opposition.

Commissioner Galindo – What were your thoughts in terms of density, height and footprint?

Ms. Osgood – We want a conditional overlay period, that would tie the development to the site plan; that's what we want. We're having a lot of trouble with this developer that is why there is no trust; we keep getting mixed information, we don't have enough information. We're not going to agree on something that's a moving target.

Commissioner Riley – Why would the neighborhood want a gated community with a big fence going down Wind Oak, shielding off the beautiful trees that you like so much?

Ms. Osgood – We do not want duplexes; they are rentals. We don't want this development period.

Eric Peterson – Spoke in opposition.

Jean Mather – Spoke in opposition.

Gayle Goff – Spoke in opposition.

Dawn Cizmar – Spoke in opposition.

REBUTAL

Ms. Toups – The overlay is a site plan process; the applicant has spent a lot of money in engineering fees and architecture fees to look at this site and what is a sensitive plan to create a community. To try to put a general overlay right now, is talking in vague terms without the specifics. The pond is upstream from the rest of the neighborhood; we will discharge to the pond

and the pond discharges into a sewer system that goes to I-35 and eventually into Town Lake, so the flooding issue is addressed at the site plan process.

Stuart Samplly, Engineer – Explained the process that they went through. Mr. Samplly stated that the Mansion isn't really a mansion and that the house has a lot of problems. If you remove the mansion right now, two of the trees would fall over; the trees were cut when they put the house there. We're going to be working with the City Arborist; to look at where we can and cannot put things. The scale and the massing are done at the site plan process. If the commission says no to SF-6, then I really believe the next step for the developer would be to file a subdivision application and move forward. I can say that we agree to disagree about the restrictive covenants and we hope that they have trust in us.

Commissioner Dealey – As far as protecting the trees, how far will you go to promise that you will maintain all the large trees that are there?

Mr. Samplly – The first thing we did was to determine where not to build and the trees are an asset to this site. If the developer came to me and told me to cut down four of these trees, I would say "it was nice to meet you", because I wouldn't take the project. If this is approved for SF-6, the site plan process, with the City's Arborist, would regulate the tree protection standards. We would have to provide tree protection details and if those are not met, then a red flag will be given. I can give you my word that we will protect the trees.

Commissioner Riley – How many single lots can we fit onto this site?

Mr. Samplly – It can be ten lots.

Commissioner Riley – On the conceptual site plan I count 12 dwellings.

Mr. Samplly – This lot is MF-4 with the pond on it, which the developer owns and we're going to using for water quality detention purposes. The City Biologist has determined that this is not a critical environmental feature and he says that there are no Springs in this; he is requesting a setback and we will comply with that.

Commissioner Riley – I see 12 structures; those will be duplexes?

Mr. Samplly – At this time, the development concept is for 2-story duplexes.

Ms. Touns – It's 10 duplexes and 2 single-family lots; there are two single-family lots that are in the Master Plan but they are not part of the zoning case.

Commissioner Riley – Can there be an agreement where you would have SF-6 and yet bind yourself to no more than 10 structures?

Ms. Touns – If we can make it 20 units, because they are duplexes; Yes, I would commit to that.

Commissioner Riley – The neighborhood wanted certain things to insure that you didn't have much traffic onto Wind Oak and you didn't see these duplex structures on Wind Oak; what they

are going to get is a lot of access onto Wind Oak and a lot of duplexes that are right there, that have no privacy fence at all; it looks like an odd victory for the neighborhood if we go their way on this one, if they get SF-3.

Commissioner Dealey – Will these be condominium duplexes or just rental duplexes?

Ms. Toups – They are for sale.

Commissioner Sullivan and Dealey moved to close the public hearing.

MOTION

Commissioner Sullivan – I have not heard much concern about the fact that this is apart of an area undergoing neighborhood planning; and that decisions on the lot should be delayed until the neighborhood plan is complete, so I'm raising that as a point.

Commissioner Riley – I wasn't really hearing that from the folks here tonight; I understood that it is sometimes easier to deal with specific cases in a setting like this as opposed to attending or focusing on a neighborhood plan.

[Inaudible voice]

Commissioner Riley – So what I'm hearing is that the neighborhood would prefer to deal with it on March 21, 2006; okay.

Commissioner Sullivan – They did not bring it up, but part of the benefit of considering things like this in a neighborhood plan is that in a neighborhood plan it's your opportunity to say where you want density, if you're going to have any increased density. I understand that this neighborhood does not want anymore density because they already the most dense area. It seems like if they understood that we have a principle that no matter how dense you are, you still have to accept future residences, in order to reduce the number of sprawl we have.

Commissioner Moore – I'll make a motion to approve staff recommendation.

Commissioner Galindo – Second.

Commissioner Moore – We had this discussion about site plan versus subdivision; there's more flexibility, but there's also a lot more control landscaping, water quality, detention, the ability to put the driveways in the back, the utilities, the density is the same; this doesn't seem too much of a question to me.

Commissioner Galindo – I understand the neighborhood's concerns, but I think on this case, I'm convinced that if the neighborhood were to get their victory tonight, they would be worse off. I think we need to go with the SF-6.

Commissioner Dealey – I'm concerned about the trees and I think SF-6 is the best way to protect the trees.

Facilitator: Sylvia Limon
City Attorney: Ross Crow, 974-2159

Commissioner Jackson – I agree that SF-6 is workable, providing that the conditional overlays are in place and that the developer is held accountable for what they are going to do.

Commissioner Riley – The motion is SF-6 with no conditional overlay; do you want that as a friendly amendment?

Commissioner Moore – I don't think it's necessary, but we can put it in there.

Commissioner Riley – The conditional overlay to limit it to 20 units?

Commissioner Jackson – Yes.

Commissioner Moore – I thought that was what the applicant said?

Commissioner Galindo – Let's say a maximum of 20 units and a maximum of 12 buildings.

Commissioner Moore – Okay.

Commissioner Riley – I'm leaning towards not supporting the motion; I'm disappointed because I think there's room for some agreement here.

Commissioner Moore – I looked at the plan and it says that we can do it two ways, we can do it with one lot where we have flexibility or we can do it another way where we just cut it up into lots. You get the same buildings in the same places, with one type of zoning or another.

Commissioner Riley – One difference to me is the SF-6 concept plan presented is homes facing inward and being inside a gated community; where SF-3 homes will face outward.

Discussion continued about the homes facing inward and being inside a gated community.

Commissioner Moore – The design is going to be basically the same, it's just how we decide to do it. Can staff clarify this for us?

Commissioner Dealey – It was my understanding that there's going to be two fronts to the duplex; half the duplexes will front onto Wind Oak and half will front into the development; so that when you drive down Wind Oak you'll see the fronts of the duplexes; when you drive into the development, you'll see the other fronts on the back side.

Commissioner Moore asked to see the exhibits again.

Commissioner Riley – There's no assurance that that's the plan you'd have.

Commissioner Moore – My understanding is, with no change in zoning, we can do that zoning...

Commissioner Riley – I just agree with the neighborhood that SF-3 would better serve the interest of keeping the residential character.

Discussion continued regarding the difference between SF-3 and SF-6.

Commissioner Cortez – I also won't be supporting the motion.

Commissioner Riley – Okay; the motion is to support SF-6-CO with a conditional overlay limiting the density to 20 units and 12 buildings.

Motion failed. (4-4) C.Riley, K.Jackson, M.Cortez, D.Sullivan – Nay; J.Reddy – absent

Commissioner Galindo – I don't understand; Commissioner Jackson you requested the amendment for the conditional overlay; are you still against this motion?

Commissioner Jackson – Yes.

Commissioner Cortez – I'll make another motion to deny staff's recommendation.

Commissioner Sullivan – If we turn it down and Council turns it down, then the applicant can't reapply for zoning for a year, is that correct? So instead, if we postponed this to March 28th, then we can take it up in the context of the Neighborhood Plan.

Commissioner Riley – Is there any basis that there could be any further productive discussions with the neighborhood?

[Inaudible]

Commissioner Riley – So there is no basis for further discussions. So then I guess, the applicant prefers that this be denied, as opposed to a postponement? Or send to Council with no recommendation?

Mr. Samply – What you are suggesting is that we would have a tie vote and then we would go to Council and there ...

Commissioner Riley – Is there a specific issue as to why you say there can not be any further discussions with the neighborhood?

Mr. Samply – The issues are about density and height; and those are taken care of at the site plan process. If the commission denies this application, we will not go to Council; we will file a subdivision application next week; that's the point where we are.

Commissioner Moore – If you go forward with the subdivision; and I went out there and looked at the project under SF-6; and looked under SF-3; would I see a difference?

Mr. Samply – You would not notice one difference.

There was discussion again about the difference in SF-3 and SF-6.

Commissioner Sullivan – I move for postponement to March 28, 2006, agenda.

Commissioner Cortez – Second.

There was discussion about what the applicant was going to do on the lot.

Motion failed. (4-4) M.Dealey, C.Galindo, M.Moore, G.Stegeman – Nay; J.Reddy – Absent

Commissioner Riley – This case will be forwarded to Council with no recommendation, by default.

- 10. Rezoning: C14-05-0200 - Rockin Y**
Location: 7629, 7715 and 7739 West SH 71, Williamson Creek - Barton Springs Zone Watershed, West Oak Hill NPA
Owner/Applicant: Eric Yerkovich; Michael Wayne Bomer and Crystal Lee Bomer
Agent: Land Answers (Jim Wittliff)
Request: RR to LR-MU-CO
Staff Rec.: RECOMMENDATION OF LR-MU-CO FOR TRACT 1; LO-MU-CO FOR TRACT 2
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION FOR LR-MU-CO DISTRICT ZONING; WITH ADDED CONDITIONS OF 2000 VEHICLE TRIP LIMIT; 50' VEGETATIVE BUFFER FROM THE SF-1; PROHIBIT DRIVE-THRU AS AN ACCESSORY USE; 100' HEIGHT LIMITED TO 1-STORY; BY CONSENT. [D.SULLIVAN; M.DEALEY 2ND] (8-0) J.REDDY – ABSENT

DISCUSSION AND ACTION ON SUBDIVISION CASES

PRELIMINARY

- 11. Plat Vacation: C8s-67-185(VAC) - H.M. Bohn Addition**
Location: NE corner of South Congress Ave at Ben White Blvd., Blunn Creek Watershed, St. Edward's NPA
Owner/Applicant: J.F. Kramer, Jr.
Agent: Hanrahan Pritchard Engineering (Ron Pritchard)
Request: Total vacation of the H.M. Bohn Addition
Staff Rec.: RECOMMENDED
Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
 Wateshed Protection & Developmen Review

APPROVED STAFF'S RECOMMENDATION; BY CONSENT. [D.SULLIVAN; M.DEALEY 2ND] (8-0) J.REDDY – ABSENT

FINAL WITH A PRELIMINARY

Facilitator: Sylvia Limon
 City Attorney: Ross Crow, 974-2159